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3 IN THE UNITED STATES DISTRICT COURT  
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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6 FEDERAL NATIONAL MORTGAGE,

No. C 12-04666 SI

7 Plaintiff,

**ORDER GRANTING *IN FORMA*  
*PAUPERIS* STATUS; VACATING  
HEARING; REMANDING CASE TO  
ALAMEDA COUNTY SUPERIOR  
COURT**

8 v.


9 GALLARDO, et al.,

10 Defendants.  
11 \_\_\_\_\_/

12 This case stems from an action for unlawful detainer under California state law. Defendant  
13 removed the action from Alameda County Superior Court on September 6, 2012. On November 6,  
14 2012, this Court issued an order to show cause why the case should not be remanded, noting that  
15 unlawful detainer does not arise under federal law but is purely a creature of California law. *See* Docket  
16 No. 12. Defendants' response to the order to show cause was due November 20, 2012. Defendants have  
17 not responded, requested an extension of time, or communicated with the Court in any way.  
18 Subsequently, plaintiff filed a motion to remand, and that motion is scheduled for a hearing on February  
19 8, 2013. Pursuant to Civil Local Rule 7-1(b), the Court determines that these matters are appropriate  
20 for resolution without oral argument and VACATES the hearing scheduled for February 8, 2013.  
21 Defendants request to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a) is hereby GRANTED.  
22 However, defendants have failed to establish a basis for federal subject matter jurisdiction.  
23 Accordingly, plaintiff's motion to remand is GRANTED and the case is hereby REMANDED to  
24 Alameda County Superior Court. This Order resolves Docket Nos. 3, 4, and 14.

25 **IT IS SO ORDERED.**

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27 Dated: January 14, 2013

  
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SUSAN ILLSTON  
United States District Judge